only to a clear case of a purchase by the executor individually. In so equivocal a transaction as that of the principal case, the heirs should at least have been allowed the usual presumption in favor of a discharge and not a purchase.

C. R. W.

INJUNCTION—SUNDAY PICTURE SHOW—ENFORCEMENT OF INVALID ORDINANCE—ADEQUACY OF LEGAL REMEDY.—KLINGER V. RYAN, 153 N. Y. S. 937.—*Held,* injunction will not issue enjoining the chief of police of a city from arresting the proprietor of a picture show under an invalid ordinance forbidding Sunday exhibitions, inasmuch as the proprietor has a remedy at law.

The issuance of an injunction depends primarily on the adequacy of a remedy at law, for when the latter exists equity will not interfere, *Klinesmith v. Harrison,* 18 Ill. App. 467; *Willis v. Staples,* 30 Hun. (N. Y.) 644. Equity, however, will act where irreparable damage will be done to plaintiff's business. *Hale v. Burns,* 91 N. Y. S. 929; *Dobbens v. Los Angeles,* 195 U. S. 223. Accordingly a municipality and its officials will be enjoined from acting under a void ordinance where property rights will be injured and damages will not compensate. *Morris Canal Co. v. Jersey City,* 12 N. J. Eq. 252. It is well settled that police officers will not be enjoined from performing their duties in excess of general police power, even though done in an oppressive manner. *Sterman v. Kennedy,* 15 Abb. Pr. (N. Y.) 201; *Olympia Ath. Club v. Speer,* 29 Colo. 158. Nor even to the injury of the plaintiff's business by warning the public of its character, if done in good faith. *Gilbert v. Mickli,* 4 Sanford Chan. (N. Y.) 357. It is for the public good that the police officers be allowed to act without restraint in the performance of their duties, as what might be a trespass on one occasion would be lawful on another. *Pon v. Wiltman,* 147 Cal. 280; *Delaney v. Flood,* 183 N. Y. 323. If the principal case involved only the prevention of an arrest there is no doubt that the court acted correctly in refusing to issue an injunction. *Burns v. McAdoo,* 99 N. Y. S. 51. On the other hand, if damages for injury to his business were caused by the closing of the Sunday picture shows under the invalid ordinance, the proprietor had an adequate remedy at law against the officer acting under the ordinance, as he would be liable personally. *Campbell v. Sherman,* 35 Wis. 103. It is evident that the damages might have been ascertained and recovered. *Allison v. Chandler,* 11 Mich. 542. On whatever ground the injunction might have been prayed for, the court acted correctly in refusing to issue the same.

J. McD.

LIBEL—PUBLICATION—WHEN MAILED COMMUNICATION IS PUBLISHED.—HUTH V. HUTH, 3 K. B. 32, 84 L. J. K. B. 1307.—*Held,* the fact that a written communication is sent through the mail in an unclosed envelope is not of itself evidence of publication, although in fact the contents were taken out and read by a servant in breach of duty.

The recognized general rule as laid down in *Roberts v. English Mfg. Co.,* 46 So. (Ala.) 752, is that sending through the mail is not evidence of publication unless the sender knew that a third party would read the